

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

02 AUG 14 AM 8:07  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

EARNEST M. BARRETT, EARNEST JOHNSON, )  
SYLVESTER ROSE, CEDRIC McCANTS, and )  
BYRON WEEKS, )  
Plaintiffs, )  
UNDRAE ARMSTRONG, WAVLEY SANDERS, )  
and TONY SPENCER, )  
Plaintiffs-Intervenors, )  
vs. )  
REYNOLDS, INC., )  
Defendant. )

*dc* **ENTERED**  
AUG 14 2002  
Civil Action Number  
01-C-1865-S

**MEMORANDUM OPINION AND SANCTIONS ORDER**

On March 12, 2002, this Court granted Plaintiff's Motion to Compel. The Motion pointed out that by failing to timely respond to the discovery requests, Defendant had waived any objections to Plaintiff's discovery. In the ensuing four and a half months, despite two written requests for the discovery ordered by the Court, Defendant simply ignored the Court's Order. Defendant never sought reconsideration of the Court's order compelling discovery.

Plaintiff moved for sanctions on July 30, 2002.

On August 12, 2002, Defendant responded to the motion for sanctions. It asserts that it has now objected to the discovery requests, and that therefore it "has stated good and sufficient grounds for the reasons why it did not respond to the requested discovery." Document 19,

*20*

Defendant's Response, p. 3. The response does not speak to the Defendant's total failure to comply with the Court's order.

As a SANCTION for Defendant's defiance of this Court's March 12 Order, all of the affirmative defenses asserted by Defendant are hereby STRICKEN. Defendant shall pay to Plaintiff's counsel a reasonable attorney's fee for the time expended in the prosecution of the Motion to Compel and the Motion for Sanctions. In the absence of agreement, the Court will set down the matter for hearing on request of either party.

Further, should Defendant fail to fully comply with this Court's March 12 Order within ten (10) days of the date of this Order, it shall be precluded from introducing any documents at trial.

Done this 13<sup>th</sup> day of August, 2002.

  
\_\_\_\_\_  
Chief United States District Judge  
U.W. Clemon